

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

2010 DEC 23 PM 6:01

Approved as to Form and Legality

  
Oakland City Attorney's Office

## OAKLAND CITY COUNCIL

Resolution No. 83165 C.M.S.

INTRODUCED BY COUNCILMEMBER

**RESOLUTION WAIVING ADVERTISING AND BIDDING REQUIREMENTS AND AWARDING A CONTRACT FOR THE CONSTRUCTION OF THE RAINBOW TEEN CENTER AT 5818 INTERNATIONAL BOULEVARD TO PULTE HOMES IN AN AMOUNT NOT TO EXCEED \$121,000, AND ACCEPTING A DONATION OF \$204,000 IN LABOR AND MATERIALS FROM PULTE HOMES FOR THE RAINBOW TEEN CENTER PROJECT**

**WHEREAS**, the City of Oakland acquired the former child care and medical facility at 5818 International Boulevard with Redevelopment Agency funds in 2007 to provide a Rainbow Teen Center with a kitchen and recording and television training studios for Central East Oakland teens as part of the Oakland program to increase youth recreation activities; and

**WHEREAS**, the City of Oakland would likely spend \$325,000 to replicate the labor, materials and improvements installed at the City of Oakland Rainbow Teen Center; and

**WHEREAS**, Pulte Homes coordinated a team of contractors in conjunction with Rebuilding Together Oakland by pooling the skills and donations of a group of contractors to contribute \$204,000 in labor and materials and equipment; and

**WHEREAS**, Pulte Homes has submitted invoices to the Agency for reimbursement of \$121,000 to pay for 40% of the cost of specific labor and materials that they have supplied toward the construction of the Rainbow Teen Center; and

**WHEREAS**, since the work was done without a competitively bid contract, it is necessary under the City's public works contracting rules for the Council to waive advertising and competitive bidding in order to enter into a contact to reimburse Pulte Homes for a portion of the work they performed; and

**WHEREAS**, the Oakland Municipal Code authorizes the Council to dispense with advertising and the fixed, sealed bidding process upon a finding that it is in the best interests of the City to waive the requirements, and staff recommends that it is in the best interests of the City to waive these requirements for the improvements constructed by Pulte Homes at the Rainbow Teen Center; and

**WHEREAS**, the Redevelopment Agency has contributed funds from the Neighborhood Projects Initiative program to the City to the partial costs of the Teen Center improvements; and

**WHEREAS**, staff has ascertained that the materials supplied by the contractor will be or are in compliance with state and local product requirements for publicly-owned facilities; and

**WHEREAS**, staff has ascertained that the contractor has complied with all state and local laws applicable to public works of improvement, including payment of prevailing wages, and has obtained the types and amounts of insurance required by the City for a project of this type; and

**WHEREAS**, the contract is of a temporary and technical nature and shall not result in the loss of employment or salary of any person having permanent status in the competitive services; now, therefore, be it

**RESOLVED:** That pursuant to Oakland Municipal Code Section 2.04.050.1.5 and the reasons stated in the City Administrator's report accompanying this item and above, the City Council finds that it is in the City's best interests to waive the advertising and bidding requirements of the Oakland Municipal Code for this contract; and be it

**FURTHER RESOLVED:** That the contract for installation of the Rainbow Teen Center interior and exterior improvements is hereby awarded to Pulte Homes in an amount not to exceed \$121,000; and be it

**FURTHER RESOLVED:** That the City Council hereby accepts the donation of \$204,000 in labor and materials for the Rainbow Teen Center from Pulte Homes as part of the Rebuilding Together Oakland community project; and be it

**FURTHER RESOLVED:** That the contract shall be reviewed and approved for form and legality by the City Attorney's Office and filed in the office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA,

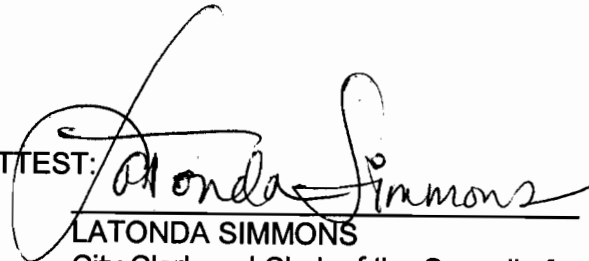
JAN 18 2011

PASSED BY THE FOLLOWING VOTE:

AYES - DE LA FUENTE, KERNIGHAN, NADEL, BROOKS, REID, SCHAAF, KAPLAN,  
AND ~~PRESIDENT~~ BRUNNER - 8

NOES - 0  
ABSENT - 0  
ABSTENTION - 0

ATTEST:



LATONDA SIMMONS  
City Clerk and Clerk of the Council of  
the City of Oakland, California